

PAPB, the Chairman of the PAPB will direct corrective action be taken.

§251.6 Deviations.

Whenever strict compliance with the letter of the regulations in this part would create practical difficulties or undue hardships, the Panama Area Personnel Board may permit a deviation from these regulations. Such authority may be exercised only if the deviation is within the spirit of the regulations and the efficiency of the U.S. Government and the integrity of the Panama Canal Employment System are protected and promoted. Any deviation authorized, and the reasons therefor, shall be made a matter of record.

[51 FR 33262, Sept. 19, 1986]

Subpart B—Compensation and Allowances Under the Panama Canal Employment System

§251.11 Uniformity of job classification standards.

In order to assure uniform application of rates of basic compensation, job classification standards shall be uniform within and among all agencies. Any problems arising in achieving such uniformity which cannot be resolved between or among the agencies shall be referred to the PAPB for resolution. If resolution is not achieved the matter shall then be forwarded to the Office of the Secretary of the Army for decision.

§251.12 Uniformity of compensation.

(a) The rates of basic compensation for positions and employees and the additional compensation authorized by §§251.31 and 251.32 shall be uniform within and among all agencies. Any problems arising in achieving such uniformity shall be referred to the PAPB for resolution. If resolution is not achieved the matter shall then be forwarded to the Office of the Secretary of the Army for decision.

(b) This section shall not preclude the adoption by agencies, under regulations issued by the PAPB, of special rate ranges or other special rates of basic pay for positions for which employees must be recruited from outside the Republic of Panama or in other ap-

propriate circumstances. This section shall not preclude the establishment of rates of pay for employees described in paragraph (b)(1) of this section that are different than the rates established for employees described in paragraph (b)(2) of this section:

(1) A person who was employed by a department on September 30, 1979 and continued in employment with an agency without a break in service of more than three days or a person who was separated from the service of the Panama Canal Company or Canal Zone Government by reason of a reduction in force on September 30, 1979, and was appointed to a position in the Panama Canal Commission before April 1, 1980; a person who was employed on September 30, 1979, by an agency of the United States Government (other than an agency subject to this part) which since that date has had responsibility for carrying out the rights and responsibilities of the United States under the Panama Canal Treaty of 1977 if the person is appointed to a position under Part 253 within 90 days of terminating employment with such agency; and

(2) Anyone other than a person described in paragraph (b)(1) of this section.

[47 FR 12952, Mar. 26, 1982, as amended at 51 FR 33262, Sept. 19, 1986]

§251.13 Establishment of basic wages.

Agencies that participate in the Panama Canal Employment System shall consult with each other concerning basic pay for employees and shall refer their recommendations for basic pay to the Panama Area Personnel Board. Upon approval by the Secretary of the Army or his designee of basic wage rates, the rates shall be adopted by the agencies.

§251.21 Use of categories.

Positions in the agencies shall be grouped into the categories set forth in §§251.22 to 251.24.

§251.22 Non-manual category.

Those occupational groupings which embrace administrative, clerical, technical, professional, and related occupations. This includes positions covered by Chapter 51 of Title 5, United States

Panama Canal Regulations

§ 251.31

Code, except for those which are specifically excepted and covered in the Special Category.

§251.23 Manual category.

(a) Those manual-type occupational groupings that elsewhere in the Federal government are usually covered by the Federal Wage System, i.e., those that encompass the unskilled, semi-skilled, and skilled manual-labor occupations in the trades, crafts, and related employment. This category does not include those positions that are specifically excepted and placed in the special category.

(b) The PAPB shall prescribe standards for grading manual category jobs. Whenever a job-grading standard under the Federal Wage System is utilized, the PAPB shall modify it if necessary to take into account any significant differences in knowledge, skill, or responsibility requirements that are found between the job covered by the Federal Wage System standard and the Canal Area position to which it is applied.

§251.24 Special category.

Those occupational groupings which are excepted from the Non-Manual and Manual categories, and whose bases have been traditionally or by statute evaluated, classified, and titled by reference to applicable Government or industry standards for the same or similar work.

§251.25 Basic compensation.

(a) For employees not entitled to the differential prescribed by §251.31 or the additional remuneration prescribed by §251.32, the rates of pay shall be the base salary or wage rates prescribed by §251.13. For employees who are entitled to the differential prescribed by §251.31 or the additional remuneration prescribed by §251.32, the rates of pay shall be the base salary or wage rate plus the applicable differential or additional remuneration. The aggregate pay thus derived shall be considered basic compensation.

(b) An employee shall not be paid, except as provided in paragraph (c) of this section, basic compensation as defined in paragraph (a) of this section at a rate in excess of the rate of basic pay

payable for Level V of the Executive Schedule.

(c) The Deputy Administrator and the Chief Engineer of the Panama Canal Commission shall not be paid basic compensation as defined in paragraph (a) of this section at a rate in excess of the rate of basic pay payable for level IV of the Executive Schedule.

[56 FR 40555, Aug. 15, 1991]

§251.31 Tropical differential.

(a) An overseas tropical differential for an employee in the category established by §251.12(b)(1) who is a United States citizen employee and who qualifies under the provisions of paragraph (b) of this section, shall be fixed by the head of each agency in an amount equal to 15 percent of the applicable base wage or salary established under §251.13.

(b) The tropical differential prescribed by paragraph (a) of this section shall be paid to each United States citizen employee who qualifies under the following rules:

(1) To be eligible, the employee must have continuously occupied a position, other than a position the rates of pay for which are fixed in accordance with rates of pay for the same or similar work performed outside the continental United States, since: (i) Recruitment or transfer by a department from a place (other than the former Canal Zone) under the jurisdiction of the United States, or (ii) Separation from the Armed Forces of the United States or from employment with a United States firm, organization, or interest under conditions which provided by contract for return transportation to a place (other than the former Canal Zone) under the jurisdiction of the United States.

(2) When the employee is married to another employee eligible for the differential prescribed by this section, the differential may be paid to one spouse only.

(3) The employee whose spouse is a member of the U.S. military service stationed in the area may be paid the differential only to the extent that the amount of the differential otherwise payable exceeds the amount of the total housing allowance (BAQ plus the